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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORGE W. LANDRY

Appeal 2010-001800
Application 09/859,615
Technology Center 3600

Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and BIBHU R.
MOHANTY, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellant seeks our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 25-58 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF THE DECISION

We AFFIRM.

THE INVENTION

The Appellant's claimed invention is directed to a system for paying bills in a system with payors and payees (Spec. 1:1-4). Claim 25, reproduced below with the numbering in brackets added, is representative of the subject matter of appeal.

25. A bill paying system, comprising

storage for payee information for each of a plurality of payees,

storage for payor information, the payor information including parameters established by a payor for enabling transfers of funds to a payee from the payor establishing the parameters, a funds transfer generator generating electronic funds transfer messages causing a transfer of an identified amount of funds for an identified payor and an identified payee using bill data, the stored payee information for the payee and/or the stored payor information for the payor, a communication device for receiving bill data from a plurality of payees, and [1] causing an interactive device to present a plurality of transactions representing bills of at least two different payees.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Kight	US 5,383,113	Jan. 17, 1995
Pickering	US 5,483,445	Jan. 9, 1996

The following rejections are before us for review:

1. Claims 25-58¹ are rejected under 35 U.S.C. § 103(a) as unpatentable over Kight and Pickering.

THE ISSUES

With regards to claim 25, and its dependent claims, the issue turns on whether the prior art discloses claim limitation [1] identified above and if it would have been obvious to combine the references. The rejection of claims 42-58 turns on a similar issue.

FINDINGS OF FACT

We find the following enumerated findings of fact (FF) are supported at least by a preponderance of the evidence:²

¹ We note that the Appellant's Appeal Brief states that claims 25-58 have been rejected and are being appealed (Br. 4). The Examiners Answer states that this status of the claims as cited by the Appellant in the Appeal Brief is correct (Ans. 2). The Final Rejection's attached form PTOL-326 also indicates claims 25-58 as being rejected. The omission of claims 39 and 56 from this rejection of the claims (Ans. 3) is therefore considered a typographical error and these claims are considered to be included in this rejection as well.

FF1. Kight has disclosed a computerized payment system by which a consumer may instruct a service provider by computer or other telecommunications to pay various bills without the consumer having to write a check for each bill (Abstract).

FF2. Pickering has disclosed an automated billing consolidation system and method (Title). The system provides for consolidating a plurality of individual company charges for a customer with different periodic company billing and payment due dates (Abstract).

FF3. Pickering has disclosed that after receiving the billing and payment histories of the customer from each of the companies and utilities (13) that the data therefrom is analyzed via a software program in order to determine an optimal billing date for the customer (Col. 6:63-67).

ANALYSIS

The Appellant argues that the rejection of claim 25 is improper because the prior art fails to disclose claim limitation [1] as cited above and also because there is no motivation to combine the references (Br. 10-13).

In contrast, the Examiner has determined that Pickering discloses claim limitation [1] and that the combination of the references would have been obvious (Ans. 4, 7-8).

We agree with the Examiner. Claim limitation [1] requires: “causing an interactive device to present a plurality of transactions representing bills of at least two different payees”. Thus, the claim limitation [1] requires that

² See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

an interactive device present transactions representing bills of at least two different payees in some manner. Pickering has disclosed that after receiving the billing and payment histories of the customer from each of the companies and utilities that the data therefrom is analyzed via a software program in order to determine an optimal billing date for the customer (FF3). As Pickering has disclosed that these payment and billing histories come “from each of the companies and utilities” (FF3) this implies that there can be plural or different payees. In Pickering the device uses software (FF3) and the software would be used on a computer which serves as an “interactive device”. Further, Kight has disclosed a computerized payment system (FF1). The modification of the computerized payment system of Kight (FF1) to include a plurality of companies as disclosed by Pickering (FF3) is considered an obvious, predictable combination of known elements for the advantage of handling plural payees all at once in order to consolidate payments for the payor into one system. For these reasons the rejection of claim 25, and its dependent claims not separately argued is sustained. The Appellant has presented the same arguments for claims 42-58 and the rejection of these claims is sustained for these reasons as well.

DECISION

The Examiner’s rejection of claims 25-58 is sustained.

AFFIRMED

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